IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 27734 of 1997

Between:

N.Anjaneyulu, S/o. M.Subbaiah.
R/o. Dachur Village, Kaluvai Mandal,
Nellore.

..... PETITIONER

AND

1 Deputy General Manager,
Syndicate Bank, Zonal Office,
Somajiguda, Hyderabad.
2 Divisional Manager,
Syndicate Bank, Nellore.
3 Branch Manager,
Syndicate Bank, Dachuru Branch,
Kaluvai Mandal, Nellore.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Certiorari, or any other appropriate writ, order or direction to call for the records relating to the impugned proceedings in Ref.No.1816/PSWW/ZOH/97 dated 22/09/1997 issued by the 1st respondent herein and quash the same as illegal, arbitrary and in violation of the Art.14 and 21 of the Constitution of India and principles of natural justice and pass such other and further orders as deemed fit and proper in the circumstances of the case.

Counsel for the Petitioner :MR.M.PRABHAKAR RAO

Counsel for the Respondents : MR.K.SRINIVASAMURTHY

The Court made the following :

ORAL ORDER:

Heard both sides.

The petitioner herein, who has been employee with the respondent-Bank, filed this writ petition, inter alia, seeking to assail the impugned order dated 22.9.1997, wherein his services were sought to be terminated. The case of the petitioner is that the impugned orders are being passed on the ground that the petitioner had suppressed his caste and falsely claimed to be ST candidate though he actually belonged to BC community and, therefore, the termination. His further case is that he belongs to BC community and at no point of time, he claimed to be ST and the impugned orders are being passed without there being any notice or enquiry, which is opposed to the principles of natural justice. Hence, the present writ petition.

Contesting the case of the petitioner, it is submitted by the learned counsel for the respondent-Bank that the initial appointment order itself contemplates that in the event the caste certificate is found to be false on verification, the services are liable to be terminated without notice. It is further contended that since the petitioner was found to have belonged to BC community, his services were terminated.

Considering the submissions and the material available on record, the only question that calls for consideration in this writ petition is whether the impugned orders of termination of service are illegal.

There is no dispute to the fact that the petitioner was terminated from services since he suppressed his caste. The case of the petitioner is that since his inception into service, he claimed to be BC and never sought any appointment on the basis of ST certificate.

Be that as it may, on a reading of the impugned order, it is clear that before

making such allegation that he falsely claimed appointment on the basis of ST certificate, the petitioner has not been given any notice nor there is any enquiry conducted prior thereto. Though it is contended that the petitioner, being only a probationer, no such enquiry is contemplated and further in the appointment order itself, it was mentioned that no such notice need be given. It is now well-settled that even in case of probationary or temporary appointment, especially where any imputation is made, necessarily it calls for enquiry and also due notice to the affected parties.

In this case, no such notice nor any enquiry is forthcoming. It is to be held that the impugned order is totally in the teeth of the principles of natural.

Accordingly the writ petition is allowed and the impugned orders are set aside. It shall be however open to the respondent to pass fresh orders in accordance with law, after giving notice, opportunity of hearing and holding necessary enquiry. No order as to costs.

30.12.2004

CVM

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Thursday the Thirtieth day of Two thousand and four.

REGISTRAR

To

1 The Deputy General Manager,
Syndicate Bank, Zonal Office,
Somajiguda, Hyderabad.
2 The Divisional Manager,
Syndicate Bank, Nellore.
3 The Branch Manager,
Syndicate Bank, Dachuru Branch,
Kaluvai Mandal, Nellore District.

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